

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOSE and CYNTHIA CERVANTES, )  
d/b/a CERVANTES ORCHARDS; ) NO. CV-04-5066-LRS  
CERVANTES ORCHARD AND VINEYARD, )  
LLC, )  
Plaintiffs, )  
-vs- ) ORDER OF DISMISSAL  
WILBUR-ELLIS COMPANY, )  
Defendant. )

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On June 30, 2005, the parties in the above entitled matter filed a Stipulation for Order of Dismissal, indicating that this action may be dismissed with prejudice and without costs. Ct. Rec. 12. Pursuant to Fed. R. Civil Procedure 41(a)(1)(ii), an action may be dismissed without order of court by the filing of a stipulation of dismissal signed by all parties. However, because the stipulation filed herein contemplates the filing of a further order, the Court hereby ORDERS this case be **DISMISSED WITH PREJUDICE** and without costs to any of the parties. Accordingly, the Clerk of the Court is hereby DIRECTED to **close this file.**

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**IT IS SO ORDERED.** The Clerk of the Court shall forward copies of this order to counsel for plaintiff and to counsel for defendant.

**DATED** this 5<sup>th</sup> day of July, 2005.

*s/Lonny R. Suko*

LONNY R. SUKO  
UNITED STATES DISTRICT JUDGE